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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.        | CONFIRMATION NO. |
|---|-------------|----------------------|----------------------------|------------------|
| 09/746,503  | 12/22/2000  | Yuergen Boehmke      | 00259                      | 9778             |
| 7590  | 04/22/2005  |                      | EXAMINER                   |                  |
| Roberto Capriotti, Agent<br>Kirkpatrick & Lockhart LLP<br>Henry W. Oliver Bldg.<br>535 Smithfield Street<br>Pittsburgh, PA 15222-2312 |             |                      | BRAGDON, REGINALD GLENWOOD |                  |
|   |             |                      | ART UNIT                   | PAPER NUMBER     |
|   |             |                      | 2188                       |                  |
| DATE MAILED: 04/22/2005   |             |                      |                            |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

|                                 |                  |  |
|---------------------------------|------------------|--|
| Application No.                 | BOEHMKE, YUERGEN |  |
| 09/746,503                      |                  |  |
| Examiner<br>Reginald G. Bragdon | Art Unit<br>2188 |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 27 December 2004.  
2a) This action is FINAL.                    2b) This action is non-final.  
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-29 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) Claim(s) \_\_\_\_\_ is/are allowed.  
6) Claim(s) 1-29 is/are rejected.  
7) Claim(s) \_\_\_\_\_ is/are objected to.  
8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
10) The drawing(s) filed on 27 December 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) Notice of Informal Patent Application (PTO-152)  
6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings were received on 27 December 2004. These drawings are approved by the Examiner.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
3. Claims 1, 3-5, 7-12, 14-16, 18-20, 22-27 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fletcher et al. (H1,921) in view of Rossi (6,366,609).

As per claims 1, 8, 15-16, and 23, Fletcher et al. teaches a telecommunications system which includes a NMS client 108/442 (“a computing system including one or more computers having one or more processors...” or “first computing means”). See figures 4 and 6. The client 442 includes software entities 312 (see figure 3A) implementing fault monitoring 642, performance management 640, accounting management 638, and system management 636 (“a first set of programs”) inherently stored in a memory (“first memory”). See also column 21, lines 6-13.

Fletcher et al. also includes a NMS server (“a server, in communication with the computing system, the server having one or more processors...” or “second computing means”)

which includes software entities 312 (see figure 3A) or services implementing fault management 410, performance management 412, accounting management 414, and system management 418 (“a second set of programs”) inherently stored in a memory (“second memory”). The NMS server supports a plurality of clients 108 (“the server being configured to support one or more users and to provide shared access to one or more telecommunication computer software programs”). See figure 2 and column 6, lines 5-9.

Fletcher et al. discusses one or more databases (“resources”) which are accessible by the server to store information related to the services (“the one or more resources can be accessed and processed by the one or more telecommunications computer software programs”). See column 8, lines 5-8. The services are described in column 7, lines 47-57. A database provides for managing (by associating the data in a relational database), communicating (by providing the data for access by slave server), and storing (by physically storing the data on a storage device).

Fletcher et al. teaches real time access by a client to data at column 6, lines 39-42, and column 22, lines 10-16. Furthermore, as taught in column 22, lines 10-16, the server (through the EFR server 618) automatically forwards (“automatically establishes a... connection”) with the client (“user”) upon the occurrence of a fault (“predetermined network condition”).

Fletcher et al. does not specifically teach that a wireless connection is established with a user. In Fletcher et al. user/client 108A is connected to the NMS server via a modem link 118a (see column 6, lines 8-9). Rossi teaches that it was known to utilize a cellular (“wireless”) modem instead of a public switched telephone network. See column 1, lines 18-22. It would have been obvious to one of ordinary skill in the art to have modified Fletcher et al. to utilize a

Art Unit: 2188

cellular (“wireless”) modem link for link 118a, as suggested by Rossi, because Rossi teaches that cellular modems provide for greater mobility. See column 1, lines 17-18 and 21-24.

As per claims 3, 9-10, 18, and 24-25, Fletcher et al. teaches that the program located on the server and client are used in managing a telecommunications network. See column 7, lines 47-57.

As per claims 4, 11, 19, and 26, Fletcher et al. teaches that the telecommunications network is a wireless telecommunications network. See figures 1 and 2 and column 5, lines 17-45.

As per claims 5, 12, 20, and 27, Fletcher et al. teaches that the clients and servers are interconnected using an Ethernet hub (i.e. “network”). See figure 4 and column 16, lines 53-62.

As per claims 7, 14, 22, and 29, the NMS server is shared between the clients. See figure 4.

4. Claims 2 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fletcher et al. in view of Rossi in further view of V Srinivasan et al. (“Object Persistence in Object-Oriented Applications”).

As per claims 2 and 17, the combination of Fletcher et al. and Rossi does not teach a structured query language (SQL) server (the Examiner is interpreting this as the server stores a SQL database. Fletcher et al. does teach that the software architecture is based on an object oriented software technology. Srinivasan et al. teaches that it was known to utilize SQL standard for retrieving and updating data as a relational database. See page 1, lines 36-41. It would have been obvious to one of ordinary skill in the art to have utilized an SQL database stored on the server (i.e. an SQL server) because Srinivasan et al. teaches that the SQL standard is simple to

implement (page 1, lines 41-42) and makes it possible for applications to transparently access relational database data from different vendors (see page 1, lines 52-55).

5. Claims 6, 13, 21, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fletcher et al. in view of Rossi in further view of Sarkar (6,012,067).

As per claims 6, 13, 21, and 28, The combination of Fletcher et al. and Rossi does not teach an application server, performing the same program providing functions as the slave server. Sarkar teaches a multi-tier IT solution including an application server as a middle-tier between a client and a server. It would have been obvious to one of ordinary skill in the art to have added an application server because Sarkar teaches that the application server would provide scalability, adaptability, recoverability, and manageability. See column 1, lines 45-49.

#### *Response to Arguments*

6. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection necessitated by Applicant's amendments to the claims.

#### *Conclusion*

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any response to this final action should be mailed to:

Box AF  
Commissioner of Patents and Trademarks  
Washington, D.C. 20231

All "OFFICIAL" patent application related correspondence transmitted by FAX must be directed to the central FAX number at (703) 872-9306:

"INFORMAL" or "DRAFT" FAX communications may be sent to the Examiner at (571) 273-4204, only after approval by the Examiner.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Fourth Floor (receptionist).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reginald G. Bragdon whose telephone number is (571) 272-4204. The examiner can normally be reached on Monday-Thursday from 7:00 AM to 4:30 PM and every other Friday from 7:00 AM to 3:30 PM.

The examiner's supervisor, Mano Padmanabhan, can be reached at (571) 272-4210.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

RGB  
April 18, 2005

*Reginald G. Bragdon*  
Reginald G. Bragdon  
Primary Patent Examiner  
Art Unit 2188